

APR - 9 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 93-16
Table of Allotments,) RM-8163
FM Broadcast Stations,)
(Remington, Virginia))

To: The Chief, Allocations Branch
Policy & Rules Division

COMMENTS & COUNTERPROPOSAL
OF
STAFFORD COUNTY BROADCASTING

Stafford County Broadcasting ("Stafford"), by Counsel,
and pursuant to the *Notice of Proposed Rule Making ("NPRM")*,
DA 93-98 (released February 17, 1993) hereby submits its
Comments & Counterproposal in the above-captioned proceeding.

Background

According to the NPRM, Mountain Air Broadcasting
("Mountain") has requested the allotment of Channel 283A to
Remington, Virginia, as that community's first local FM
service. Mountain indicates that the community of Remington
hosts a population of 460 persons, that the community is
presently without a local radio voice, and that Channel 283A
can be allocated there without the imposition of a site
restriction.

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In the NPRM, the Commission questions whether the community of Remington actually qualifies for an FM allotment. Since the Commission has been unable to confirm that Remington is included in the U.S. Census, Mountain has been instructed to provide further information about Remington's social, economic, cultural and government attributes. See, NPRM at para. 2.

Counterproposal

Stafford requests that Channel 283A be allotted to Falmouth, Virginia, rather than Remington. Falmouth is more qualified to receive the allotment due to the following factors:

(1) Falmouth, Virginia is listed in the 1990 U.S. Census as a "Census Designated Place" ("CDP"), with a population of 3,541. According to U.S. Census statistics, the population of Falmouth has grown by 270 persons since 1980.

(2) The FCC has previously ruled that Falmouth qualifies as a community worthy of a radio allotment. Previously, the FCC awarded the 890 kHz AM frequency to Falmouth. Although a Construction Permit was subsequently issued/¹, the permittee never constructed the facilities. On June 15, 1992, the FCC cancelled the Construction Permit and deleted the frequency. Thus, Falmouth currently has no local radio voice, nor does it have any radio frequencies currently allotted to the community.

¹ The Construction Permit was issued to WLJD-AM (FCC File No. BP-891101AC)

(3) Falmouth is actually considered a separate Stafford County Election District. Attached hereto as Exhibit No. 1 is a Stafford County Election District Map recently obtained from the Stafford County Citizens Assistance & Consumer Affairs Office, which depicts the Falmouth Election District.

Inasmuch as the FCC previously qualified Falmouth as an allocation-eligible community, there is no question that Falmouth possesses the requisite FCC indicia to qualify as a "community" for allotment purposes.

From a technical perspective, the allotment of Channel 283A to Falmouth rather than Remington also serves the public interest, convenience and necessity. Attached hereto as Exhibit No. 2 is the Technical Comments prepared by Jefferson Brock of Bromo Communications, Inc. wherein it is demonstrated that the allotment of Channel 283A to Falmouth would serve almost twice as many people and a greater area than allotment of the channel to Remington. Channel 283A can be allotted to Falmouth at reference coordinates North Latitude 38 - 22 - 43, and West Longitude 77 - 34 - 29, with a site restriction of 11 kilometers northwest of the community in order to protect Radio Stations WXTR-FM at Waldorf, Maryland, and WAVA-FM at Arlington, Virginia.

Statement of Interest

Stafford hereby states that, in the event Channel 283A is allotted to Falmouth, Virginia, it will file an FCC Form

301 Application with the Commission for the issuance of an FM Construction Permit for Channel 283A at Falmouth.

Conclusion

WHEREFORE, the above premises considered, Stafford respectfully requests that its Counterproposal be ACCEPTED, and that the Commission amend Section 73.202 of the Rules as follows:

<u>City & State</u>	<u>Existing</u>	<u>Proposed</u>
Remington, Virginia	---	---
Falmouth, Virginia	---	283A

Respectfully submitted,

STAFFORD COUNTY BROADCASTING

By: 
Cary S. Tepper

Its Counsel

Meyer, Faller, Weisman & Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015

(202) 362-1100

April 9, 1993

EXHIBIT No. 1

(Stafford County Election District Map)

LEGEND

ELECTION DISTRICTS (thick black line)

ELECTION PRECINCTS (thin black line)

The map shows the Griffis-Widewater area, including Quantico Marine Corps Base, Griffis Air Force Base, and various reservoirs like Lunga Reservoir and Griffis Reservoir. Major roads like I-19 and I-87 are shown. The map is bordered by Sullivan County to the north and east, and Ulster County to the west. Precincts are labeled with numbers like 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

EXHIBIT No. 2

**(Technical Statement of
Jefferson Brock)**

COMMENTS AND COUNTERPROPOSAL
MM DOCKET #93-16
STAFFORD COUNTY BROADCASTING
ALLOT CHANNEL 283A
FALMOUTH, VIRGINIA
April 1993

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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COMMENTS AND COUNTERPROPOSAL
MM DOCKET #93-16
STAFFORD COUNTY BROADCASTING
ALLOT CHANNEL 283A
FALMOUTH, VIRGINIA
April 1993

TECHNICAL COMMENTS

1. These technical comments and attached exhibits were prepared on behalf of Stafford County Broadcasting ("Stafford") and support its Comments and Counterproposal in MM Docket #93-16. Stafford requests that Channel 283A be allotted to Falmouth, Virginia, as that community's first local FM service, rather than the allocation of the channel to Remington, Virginia.

BACKGROUND

2. In the Notice of Proposed Rule Making ("NPRM"), MM Docket #93-16, Mountain Air Broadcasting ("Mountain") has requested the allotment of Channel 283A to Remington, Virginia, as that community's first local service. Mountain notes that Remington, a community of 460 persons, is presently without a locally licenseable facility. The NPRM also notes that the channel can be allocated without the imposition of a site restriction.¹

1) The notice states the coordinates for the Remington reference site are North Latitude 38° 22' 00" and West Longitude 77° 48' 42". This places the reference site 18.0 kilometers south of the community. Thus a city grade signal could not be provided to Remington. It would appear that the coordinates are in error. The city center coordinates for Remington, Virginia are North Latitude 38° 32' 00" and West Longitude 77° 48' 42". These are the coordinates which will be used in reference to the Remington proposal in these comments.

3. The Commission has asked Mountain to provide additional data on whether or not Remington is actually a community for allotment purposes, in light of its not being listed in the 1990 United States Census.

DISCUSSION

4. Stafford requests that Channel 283A be allotted to Falmouth, Virginia, rather than Remington. Falmouth, Virginia, located in southern Stafford county, is listed in the 1990 census as a Census Designated Place ("CDP") with a population of 3,541 persons. This represents an increase of 270 persons from the 1980 census. The allotment of Channel 283A will provide Falmouth with its first local service. ²

5. Channel 283A can be allocated to Falmouth, Virginia, at reference coordinates North Latitude 38° 22' 43" and West Longitude 77° 34' 29". This represents a site restriction of 11.0 kilometers northwest of the community in order to avoid shortspacing WXTR-FM, Channel 281B, Waldorf, Maryland, and WAVA, Channel 286B, Arlington, Virginia. From the reference site, a 3.16 mV/m contour will be delivered over Falmouth. Exhibit #1 is a usable area map which shows where Channel

2) Previously, Falmouth, Virginia, was the community specified in the outstanding construction permit for WLJD, 890 Kiloherztz, file # BP-891101AC. The WLJD permit was cancelled by the Commission on June 15, 1992.

283A could be located to provide service to Falmouth, Virginia. Exhibit #2 is a spacing analysis for Channel 283A and demonstrates that this proposal meets the Commission's minimum distance separation requirements to all other licensed, applied for or proposed facilities (with the exception of the mutually exclusive proposal at Remington, Virginia).

6. Stafford, therefore, proposes the following amendment to §73.202(b) of the Commission's rules:

Falmouth, Virginia

Present
None

Proposed
283A

Remington, Virginia

Present
None

Proposed
None

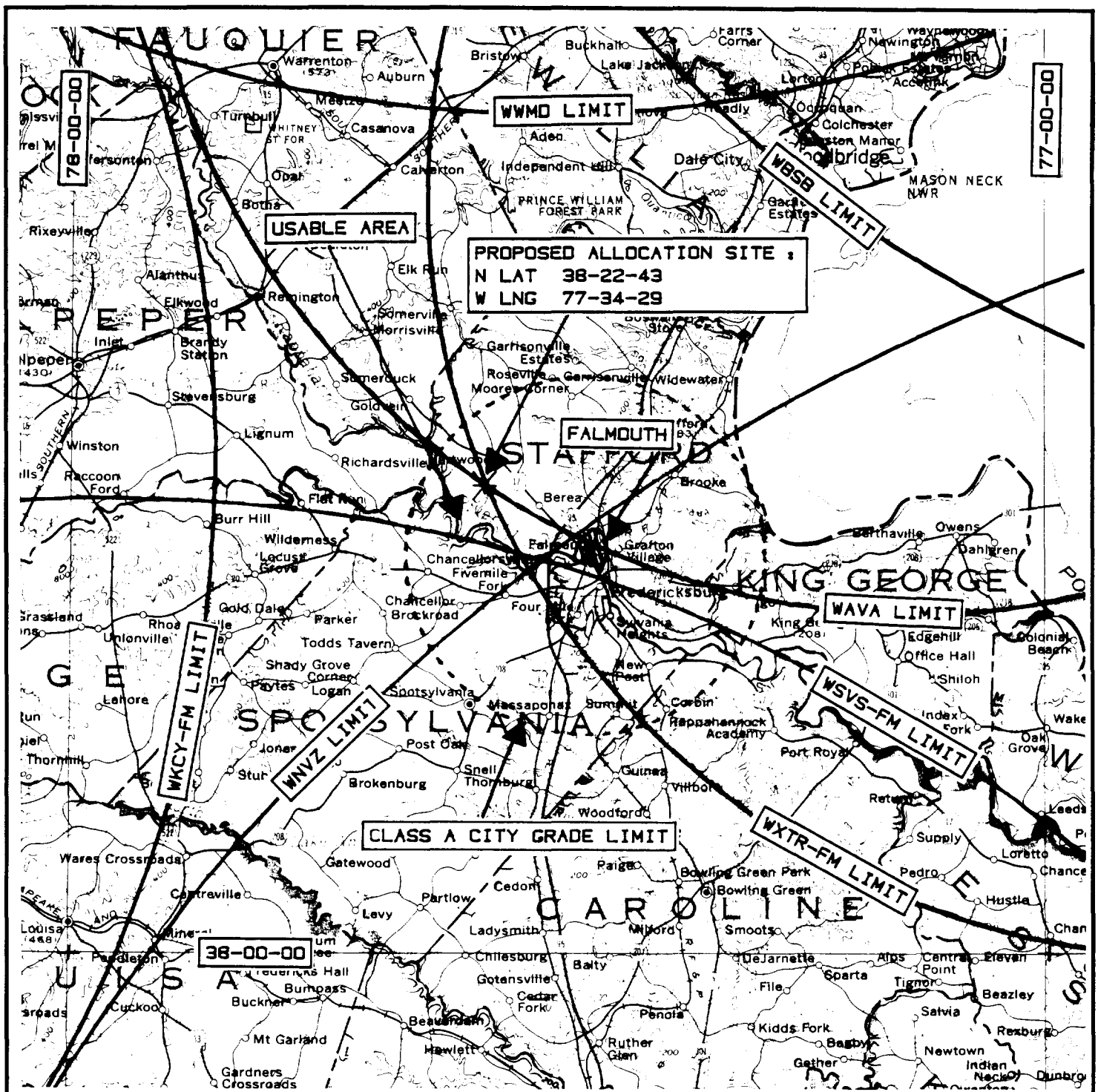
PUBLIC INTEREST ASPECTS

7. From the proposed Stafford reference site for Falmouth, Virginia, a maximum 6.0 kilowatt Class A facility would provide 1.0 mV/m service to 163,843 persons in 2,491.9 square kilometers. Additionally, the allotment of Channel 283A to Falmouth, Virginia, a community of 3,541 persons,

will provide the community with its first local service. If the Commission allotted Channel 283A to Remington, Virginia, a community of 460 persons, a Class A facility would provide 1.0 mV/m service to 85,371 persons in 2,500.2 square kilometers.

8. As Falmouth is a more sizeable community than Remington and a facility at Falmouth would provide service to nearly twice as many persons as a Remington facility, the public interest would be better served by the allotment of Channel 283A to Falmouth, Virginia.

9. The foregoing technical statement was prepared on behalf of Stafford County Broadcasting by Bromo Communications, Inc., its technical consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of this proposal, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608.



USABLE AREA CHANNEL 283A

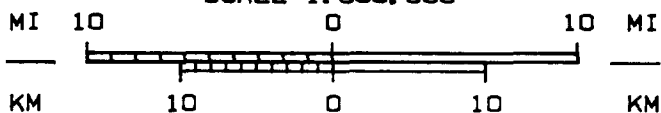
MAP IS A PORTION OF THE 1:500,000 SCALE
U. S. G. S. BASE MAP OF VIRGINIA.

EXHIBIT #1

COMMENTS & COUNTERPROPOSAL
MM DOCKET #93-16
STAFFORD CO. BROADCASTING
ALLOT CHANNEL 283A
FALMOUTH, VIRGINIA

April 1993

SCALE 1:500,000



BROMO
COMMUNICATIONS

BROADCAST
TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

ALLOCATION STUDY FOR FALMOUTH, VIRGINIA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
38 22 43 N		DATA 02-24-93
77 34 29 W	Current rules spacings	SEARCH 04-08-93
----- CHANNEL 283 -104.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
--------------	------------	-------------	--------------	-------------	--------------	--------------	----------------

AD283	283A	Remington	VA	266.3	20.75	115.0	-94.25
AD	38 22 00	77 48 42	0.000 kW	0M	12.9	71.5	
						921224	

Mountain Air Broadcasting

>Coordinates as shown on notice.

>Petition for Rule Making - MM Docket #93-16

WAVA	286B	Arlington	VA	33.7	69.01	69.0	0.01
LI CN	38 53 44	77 08 04	41.000 kW	165M	42.9	42.9	
						BLH891103KB	

Beltway Media Partners

WXTRFM	281B	Waldorf	MD	67.3	69.01	69.0	0.01
LI CN	38 37 07	76 50 42	22.000 kW	233M	42.9	42.9	
						BLH910628KC	

Radio Ventures I, L.P.

>License application filed after the CP expire date.

WSVSFM	284C1	Crewe	VA	194.0	138.16	133.0	5.16
LI DCN	37 10 15	77 57 16	100.000 kW	299M	85.9	82.7	
						BLH920211KA	

Kat Broadcasting Corporation

WNVZ	283B	Norfolk	VA	143.1	185.96	178.0	7.96
LI CY	37 02 20	76 18 30	50.000 kW	146M	115.6	110.6	
						BLH810319AB	

WSB of Norfolk, Inc.

WKCYFM	282B	Harrisonburg	VA	270.8	136.87	113.0	23.87
LI CN	38 23 47	79 08 28	50.000 kW	125M	85.1	70.2	
						BLH920218KC	

Mid Atlantic Network, Inc.

WWMD	284B	Hagerstown	MD	2.1	146.39	113.0	33.39
LI CN	39 41 47	77 30 47	8.300 kW	420M	91.0	70.2	
						BLH900814KF	

Hagerstown Broadcasting Co.

WBSB	282B	Baltimore	MD	39.9	152.06	113.0	39.06
LI CN	39 25 46	76 27 01	50.000 kW	128M	94.5	70.2	
						BLH7883	

Scripps-Howard Broadcasting

ALLOCATION STUDY CHANNEL 283A

EXHIBIT #2
COMMENTS & COUNTERPROPOSAL
MM DOCKET #93-16
STAFFORD CO. BROADCASTING
ALLOT CHANNEL 283A
FALMOUTH, VIRGINIA
April 1993

BROMO
COMMUNICATIONS
BROADCAST
TECHNICAL CONSULTANTS
St Simons Island, Georgia
Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

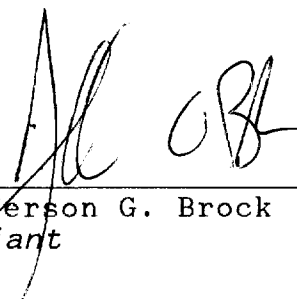
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Stafford County Broadcasting, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 8th day of April, 1993.



Jefferson G. Brock
Affiant

Sworn to and subscribed before
me this the 8th day of April, 1993.



CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 9th day of April, 1993, I have served a copy of the foregoing "Comments & Counterproposal of Stafford County Broadcasting" first-class, postage-prepaid, on the following:

*Michael Ruger, Chief
Mass Media Bureau, Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554

Althea Bauers
Mountain Air Broadcasting
14458 Long Channel Circle
Germantown, MD 20874


Cary S. Tepper, Esq.

*denotes Delivery By Hand